

III. Remarks

By this paper, Applicants are amending claims 14, 17, 21, 22, 24, 25, 29, and 32; and canceling claim 31. Therefore, after entering this amendment, claims 14, 16-30, and 32-43 are pending.

Reconsideration and further examination of this application in view of the above amendments and the following remarks is therefore respectfully requested.

Amendments to the Drawings

Figures 2 and 3 have been amended to show the cross-hatching of element 32 (the non-impregnable layer) extending along a angle different than that of element 12 (the substrate) to more clearly show that the respective components 32, 12 are not a single, unitary component in the embodiment shown in the figures. An annotated, marked-up copy of sheet 1 and a replacement sheet 1 are attached, showing the amendments to Figures 2 and 3.

Figure 3 and the paragraph starting on page 7 of the original application as filed show that the respective components 32, 12 are in fact not a unitary component, and therefore no new matter is shown. Furthermore, the cross-sectional lines of the respective components 32, 12 were already shown as being off-set from each other in Figure 2 of the original application as filed, indicating that the respective components 32, 12 are in fact not a unitary component.

Allowable Subject Matter

Applicants gratefully acknowledge the examiner's allowance of claims 14, 16-21, 36, and 41-43 and the examiner's indication that claim 28 would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims.

Further Claim Clarifications

Prior to discussing the cited references, it is believed that a brief discussion on the current form of claims 14, 17, 21, 22, 24, 25, 29, and 32 is warranted. Claims 14, 17, 21, 22, 24, 25, 29, and 32 have been amended to clarify, more particularly to

point out and distinctly claim that which Applicants regard as the subject matter of the present invention.

Claim 14 has been amended to insert the terms "substrate" and "non-impregnable layer" respectively in front of the word "surface" and to therefore clearly refer to either a substrate surface or a non-impregnable layer surface. No new matter is added.

Claims 17, 21, 24, 25, and 32 have been amended to delete the recitation of "non-reticulated" referring to the elastomeric foam material. No new matter is added.

Claims 21 and 23 have been amended to insert the term "substantially" before the term "throughout" to specify the extent to which the substrate is present in the impregnable layer. Because this amendment is merely clarifying the extent to which the substrate is present, no new matter is added.

Claim Rejections – 35 U.S.C. § 102(b)

The examiner rejected claims 29, 35, 39 and 40 under 35 U.S.C. § 102(b) as being anticipated by *Sommer* (U.S. Patent No. 5,544,912) as evidenced by *Peube et al.* (US 5,655,367).

Claim 29 has been amended to recite an impregnable layer including a reticulated material *defining a network within the reticulated material* and to recite that *at least a portion of the rigid substrate is present substantially throughout the network of the impregnable layer*. The term "reticulated" is defined as being divided, marked, or constructed so as to form a network. (*Merriam-Webster's Collegiate Dictionary, Tenth Edition*). Therefore, no new matter is being added by the amendment.

Sommer fails to disclose an impregnable layer having a reticulated material defining a network within the reticulated material as recited in claim 29. For example, *Sommer* discloses a foam border material 42 that is an aluminum mesh material defining a plurality of squares. (*Sommer*, col. 2, lines 16-24, Figure 4). Even if the aluminum mesh material allows the foam 50 to flow through the squares, which is not disclosed in the application, the foam would merely travel through the squares of the aluminum mesh material rather than becoming interconnected into a network within the aluminum mesh. In other words, the squares of the aluminum

mesh define a plurality of independent passages through the mesh. Thus, *Sommer* fails to anticipate claim 29 and the claims depending therefrom.

Claim Rejections – 35 U.S.C. § 103(a)

The examiner rejected claims 30-34 under 35 U.S.C. § 103(a) as being unpatentable over *Sommer* (U.S. Patent No. 5,544,912) as evidenced by *Peube et al.* (US 5,655,367), further in view of *Kent* (U.S. Patent No. 6,080,493).

Claims 30-34 depend generally from claim 29, and are therefore not anticipated by *Sommer* for the reasons discussed above.

Furthermore, even if *Peube et al.* and *Sommer* are properly combinable, *Peube et al.* fails to cure the deficiencies of *Sommer*. For example, *Peube et al.* fails to teach or suggest an impregnable layer having a reticulated material defining a network as recited in claim 29. Rather, *Peube et al.* teaches a reticulated material 1b having wide meshes, such as a metal meshing, that keeps a lining 2 pressed against the wall 1a of the pipe 1. (*Peube et al.*, col. 4, lines 27-29, Figure 1). Thus, the metal meshing disclosed in *Peube et al.* prohibits the lining 2 from extending therethrough and does not define a network.

Additionally, *Kent* is non-analogous art to the present invention. In order to rely on a reference as a basis for a rejection of an applicant's invention, the reference must either be in the field of applicant's endeavor, or if not, be reasonably pertinent to the particular problem with which the invention was concerned. MPEP § 2141.01 (a). *Kent* deals with a method of securely bonding rubber and metal together for various applications such as a tank tread, an automobile bumper, and a rifle stock, whereas the Applicants' invention deals with bonding foam and plastic in a molded panel having a soft pad armrest. Furthermore, *Kent* is not reasonably pertinent to the particular problem with which the Applicants' invention is concerned, because *Kent* is pertinent to the problem of fixedly securing rubber and metal together with a strong bond whereas the present invention is concerned with forming a soft pad armrest with a one-step process. Because there is no suggestion or motivation to combine the references, the rejection of Claims 30-34 under 35 U.S.C. § 103(a) should be withdrawn and such action is earnestly solicited.

The examiner also rejected claims 22-27, 29-34, and 37-40 under 35 U.S.C. § 103(a) as being unpatentable over *Stein et al.* (U.S. Patent No. 5,403,645) in view of GB 1 244 487 (hereinafter the '487 reference).

Claim 22 has been amended to recite a reticulated material having an impregnable layer including a reticulated material *defining a network within the reticulated material* and to recite that at least a portion of the rigid substrate is present *substantially* throughout the *network of the* impregnable layer. The term "reticulated" is defined as being divided, marked, or constructed so as to form a network. (*Merriam-Webster's Collegiate Dictionary, Tenth Edition*). Therefore, no new matter is being added by the amendment.

Stein et al. fails to disclose an impregnable layer having a reticulated material defining a network within the reticulated material as recited in claim 22. For example, *Stein et al.* discloses a vinyl backing cover 10 having a plurality of openings 32 and a urethane layer on opposing sides of the vinyl backing cover 10. (*Stein*, col. 2, lines 28-42, Figure 2). However, the injected urethane merely travels through the openings 32 in the vinyl backing cover 10, rather than becoming interconnected into a network within the vinyl backing cover 10. In other words, the openings 32 of the vinyl backing cover 10 define a plurality of independent passages through the vinyl backing cover 10. Thus, *Stein et al.* fails to teach the elements recited in claim 22.

The '487 reference fails to cure the deficiencies of *Stein et al.* For example, the '487 reference discloses a reticulated polyethylene or polypropylene foam that is not impregnated with any type of material. (The '487 reference, page 1, lines 46-57). Therefore, neither *Stein et al.* nor the '487 reference disclose an impregnable layer defining a network within a reticulated material and having a rigid substrate present substantially throughout the network. Furthermore, no suggestion or motivation exists to modify *Stein et al.* to include a substrate substantially throughout a network of a reticulated material.

Therefore claim 22, and claims 23-27 and 37-38 which depend from claim 22, are allowable and such action is requested.

As discussed above, claim 29 has been amended to recite an impregnable layer including a reticulated material *defining a network within the reticulated*

material and to recite that at least a portion of the rigid substrate is present substantially throughout the network of the impregnable layer.

Stein et al. fails to disclose an impregnable layer having a reticulated material defining a network within the reticulated material as recited in claim 29. For example, as discussed above with respect to claim 22, the injected urethane in *Stein et al.* merely travels through the openings in the vinyl backing cover 10 rather than becoming interconnected into a network within the vinyl backing cover 10. Thus, *Stein et al.* fails to teach the elements recited in claim 29. Furthermore, as discussed above with respect to claim 22, the '487 reference fails to cure the deficiencies of *Stein et al.* For example, the '487 reference discloses a reticulated polyethylene or polypropylene foam that is not impregnated with any type of material. (The '487 reference, page 1, lines 46-57).

Therefore claim 29, and claims 30-34 and 39-40 which depend from claim 29, are allowable and such action is requested.

Conclusion

In view of the above amendments and remarks, it is respectfully submitted that the present form of the claims are patentably distinguishable over the art of record and that this application is now in condition for allowance. The examiner is invited to contact the undersigned attorney for Applicants via telephone number (734) 302-6000, if such communication would expedite this application.

Respectfully submitted,

July 20, 2005


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Attachments:

Marked-up Annotated Sheet 1
Replacement Sheet 1

Marked-up Annotated Drawing

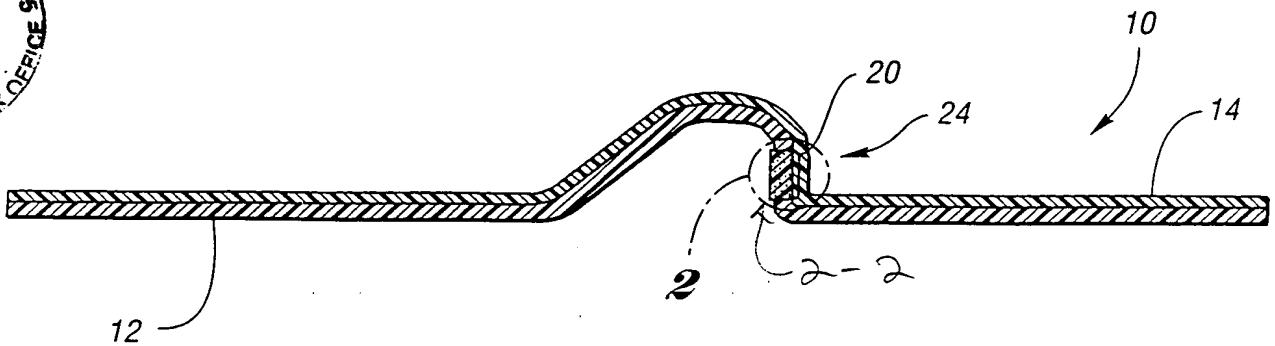


Fig. 1
**Cross-hatching
Reversed**

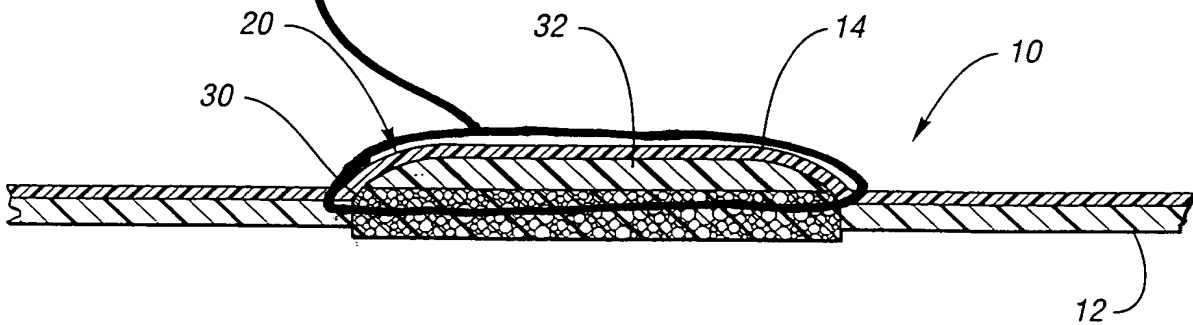


Fig. 2

**Cross-hatching
Reversed**

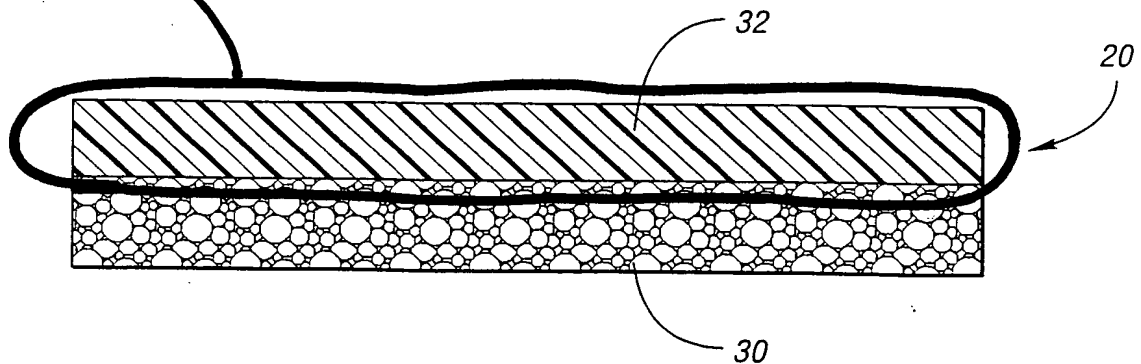


Fig. 3